

Public Comments

April 5, 2016

Weiss, Rachel

From: Schulz, Dave
Sent: Tuesday, April 05, 2016 1:48 PM
To: Weiss, Rachel
Subject: Fwd: FW: Updated list of judicial redistricting proposals

Rachel,
Attached are two statements from Broadwater County I recently received. I did not think you received them. I have more county comments and made copies for the Commission.
Dave

Sent from Outlook Mobile

----- Forwarded message -----

From: "Laura Obert" <lobert@co.broadwater.mt.us>
Date: Tue, Apr 5, 2016 at 12:29 PM -0700
Subject: FW: Updated list of judicial redistricting proposals
To: "Schulz, Dave" <DSchulz@madison.mt.gov>

Dave,

Below are 2 responses from Broadwater County to the Judicial Redistricting proposals you sent out some time ago. One is from our District Judge and the other from our County Attorney. They offer many thoughts on the subject.

Hope this helps.

Thanks,
Laura

Laura Obert
Broadwater County Commissioner
980-2050
lobert@co.broadwater.mt.us

From: Broadwater Commissioners
Sent: Tuesday, April 05, 2016 1:23 PM
To: Laura Obert <lobert@co.broadwater.mt.us>
Subject: FW: Updated list of judicial redistricting proposals

From: Hornsveld, Valerie [<mailto:vhornsveld@mt.gov>]
Sent: Tuesday, April 05, 2016 1:21 PM
To: Cory Swanson <cswanson@co.broadwater.mt.us>; Broadwater Commissioners

<commissioners@co.broadwater.mt.us>; Laura Obert <lauraobert@mt.net>
Subject: FW: Updated list of judicial redistricting proposals

Valerie J. Hornsveid

Clerk of District Court
Broadwater County District Court

515 Broadway

Townsend, MT 59644

406-266-9236 phone

406-266-4720 fax

vhornsveid@mt.gov

From: Reynolds, James

Sent: Tuesday, April 05, 2016 10:49 AM

To: Hornsveid, Valerie

Subject: RE: Updated list of judicial redistricting proposals

Val,

I think Cory makes many good points in his response. As we have discussed, the difficulties in scheduling

matters between Broadwater and Lewis and Clark Counties have grown over the past few years as the number of case filings in each county has increased markedly. I think Broadwater County currently makes up about 25% of my active caseload. If Broadwater County were to move to the fourteenth judicial district, it would be the largest county within the district in terms of case filings and therefore could demand a larger percentage of the presiding judge's attention.

On the other hand, if Judge Spaulding were to remain as the presiding judge headquartered out of Roundup, the degree to which Broadwater County would have more judge time might not be as significant. I have to say that the idea of presiding in a judicial district stretching for some 160 miles (through Deep Creek Canyon) and covering 5 counties seems pretty daunting to me. I would probably favor a proposal where Broadwater County perhaps joined with

Meagher and Wheatland Counties as a more workable solution.

In response to Cory's comments about my personal service as the presiding judge in Broadwater County, it was a promise I made when I first ran for the position as district court judge – to have a single judge with responsibility for Broadwater County as opposed to the annual alternating system in place for a number of years before I assumed the bench. It is my intention, should I be retained as district court judge in the 2016 election, to continue in this role.

I think Cory is probably correct in that at some point, Broadwater County will be split from Lewis and Clark County. The only way I see this not happening is if the Legislature in the near future authorized an additional two judges for the district, which I think is highly unlikely. Whether this separation is to happen, either as a result of the current redistricting commission or of some future action, all involved should work together to insure the best outcome for the people of Broadwater County in their entitlement to a well-functioning judicial system.

Jim Reynolds

From: Hornsveid, Valerie

Sent: Tuesday, April 05, 2016 8:47 AM

To: Reynolds, James

Subject: FW: Updated list of judicial redistricting proposals

Could you please respond to this.

Valerie J. Hornsveid

Clerk of District Court

Broadwater County District Court

515 Broadway
Townsend, MT 59644
406-266-9236 phone
406-266-4720 fax
vhornsveld@mt.gov

From: Laura Obert [<mailto:lobert@co.broadwater.mt.us>]
Sent: Monday, April 04, 2016 4:47 PM
To: Hornsveld, Valerie
Subject: RE: Updated list of judicial redistricting proposals

Val,

Do you have an opinion from Judge Reynolds, or does Cory's response speak for him too?

Thanks,
Laura

From: Cory Swanson
Sent: Monday, April 04, 2016 4:21 PM
To: Laura Obert <lobert@co.broadwater.mt.us>; Hornsveld, Valerie <vhornsveld@mt.gov>
Cc: Broadwater County Attorney <attorney@co.broadwater.mt.us>; Brooke Dolan <bdolan@co.broadwater.mt.us>
Subject: RE: Updated list of judicial redistricting proposals

Laura and Val,

Here is my response to the proposal that may affect Broadwater County. Please provide it to MACO or others who are asking for input.

First, we must not ignore the reality of the caseload in Lewis & Clark County. It has grown and will continue to grow. Any slight improvements will be helpful, but will only temporarily relieve the tension of simply too many cases for the judges and system there. In my mind, that means Broadwater County will eventually be split off from the First Judicial District, whether it happens now or in ten years. Even if another judge is added, Broadwater County will eventually come around as the attractive option for reduction.

The reason for this is not merely the number of cases that we have, though the increase in our workload has been noticeable. The loss of efficiency for the Judge from traveling every Friday and reserving one trial week per month for only Broadwater likely represents a disproportionate reduction in the Judge's ability to handle his or her caseload in Helena. We need to recognize that the system needs to find solutions to the overload in Lewis & Clark County, and moving Broadwater County to a different Judicial District is expected to be one of the components of that solution.

We have been fortunate to have Judge Reynolds as our regularly presiding Judge for several years, but there is no guarantee that will continue. There are now two Judges junior to him in seniority, and his responsibilities in Helena seem to be increasing. So this is not about keeping or losing Judge Reynolds; it is about keeping or losing any Judge from the First Judicial District.

If Broadwater County is moved to the Fourteenth Judicial District, I expect we will have a little more Judge availability, either for motions or for trials. Currently, we schedule up to six trials stacked on a single week per month because the other three weeks are scheduled in Lewis & Clark County. After comparing the caseloads of Broadwater County with the four Counties currently in the Fourteenth Judicial District, we have the largest caseload, followed closely by Musselshell County. So our ability to see the Judge and to schedule trials will likely be improved.

It is likely too early to say how much of the Judge's time we will get, however. The current arrangement requires Judge Spaulding to travel a lot to cover the entire Fourteenth Judicial District; the new arrangement would increase the distance and likely the frequency of those trips. But given the low number of trials in the other counties, I feel confident we would have more flexibility for those events.

However, moving will have some disadvantages for us, as well. I have made a practice of doing all contested mental commitment hearings in Helena because that is where our Respondents receive their exams, they are detained there pending the hearings, and that is where the Judge is. If we have a Judge in Townsend or Roundup, the Respondent will still be located in Helena due to the mental health facilities and professionals. So we can expect between one and four Vision Net connections for a mental health hearing under the contemplated arrangement.

It is not clear to me how this arrangement would change any responsibilities of the Office of Public Defender or Probation & Parole. I assume Broadwater County would remain in the same districts for those offices, and we would maintain the same coverage and assignment set-up. If that is not the case, then I recommend some detailed analysis of how those arrangements would affect our coverage.

After evaluating Proposal 3 and discussing it with my staff, we feel these are the most immediate implications to Broadwater County. There will of course be others that we have not identified.

I suspect we don't have a vote on this re-arrangement. If we did, I don't know how I would vote without more data. But we are prepared for it if it happens. Judge Reynolds mentioned this as a possibility several months ago, and since then we have expected to hear more about it. We believe under either arrangement, we will adapt to changes and continue to provide our best service to the people of our County.

Cory J. Swanson

Broadwater County Attorney
515 Broadway Ave.
Townsend, MT 59644
(406) 266-9226

From: Laura Obert

Sent: Thursday, March 17, 2016 11:48 AM

To: Hornsveld, Valerie <vhornsveld@mt.gov>; Broadwater County Attorney <attorney@co.broadwater.mt.us>; Cory Swanson <cswanson@co.broadwater.mt.us>

Subject: FW: Updated list of judicial redistricting proposals

Val and Wendy,

Thanks for the chat on this today. Please provide what feedback you can, I'd like to hear from the experts on this as I just don't know.

Thanks,

Laura

From: MACO [<mailto:MACO@mtcounties.org>]

Sent: Wednesday, March 16, 2016 2:36 PM

To: MACO <MACO@mtcounties.org>

Subject: Updated list of judicial redistricting proposals

Commissioners,

Recently, I forwarded a list of proposals for consideration by the Judicial Redistricting Commission. I received a number of comments related to the proposals. Thanks you to the counties that did comment and for seriously evaluating what these changes might mean to your court function and county budget if implemented. As you see below, there have been several additional proposals added to the earlier list. Again, I would encourage your review and comments back to me of positives and/or negatives you have.

The next Judicial Redistricting Commission meeting is scheduled for April 6th so please consider that date when evaluating the information and communicating back.

Thanks,

Dave Schulz, Chair

Board of Commissioners

Madison County

From: Weiss, Rachel

Sent: Tuesday, March 15, 2016 4:58 PM

To: Sherley, Laura

Cc: Burkhardt, Julianne

Subject: Updated list of judicial redistricting proposals

Hello Judicial Redistricting Commissioners,

I've attached a pdf with an updated list of proposals to revised the state's judicial districts. The previous version had four proposals; this current version has six. When you are distributing the list or considering the proposals, please make sure you are using the version that has "Last update 3/15/2016" at the bottom of the page. The revised list will be available on the commission's website shortly. Materials for the April 6 meeting will be mailed to you next week, and I'll email at the same time to let you know when the information is available online. Please give me a call if you have any questions.

Sincerely,

Rachel

Rachel Weiss

Research Analyst

406-444-5367

rweiss@mt.gov

Montana Legislative Services Division

PO Box 201706

Helena, MT 59620

STATE OF MONTANA

TENTH JUDICIAL DISTRICT COURT
JUDITH BASIN, FERGUS & PETROLEUM COUNTIES

HON. JON A. OLDENBURG
DISTRICT JUDGE

BREENA J. LECOUNT
SENIOR LAW CLERK / SPECIAL MASTER
P.O. BOX 1124
LEWISTOWN, MT 59457



REBECCA GREENE, COURT ADMINISTRATOR
DEIDRE TABER, COURT REPORTER
TELEPHONE: (406) 535-8028
FACSIMILE: (406) 535-6076

March 24, 2016

Judicial Redistricting Committee
c/o Hon. Greg Todd, Chair
P.O. Box 35026
Billings, MT 59107

Re: Redistricting Proposals

Dear Committee Members and Chair Todd:

I am writing to comment on the six redistricting proposals under consideration by your committee. I wish I could attend the meeting in person, but ironically, I will be in trial in another district. I want to thank each of the members for their time and consideration of this very important matter.

I think all of us would agree that there is a need for additional Judges in the State of Montana, as many as 21 according to the study. The six proposals before the committee now will at best free-up one District Judge, with great negative impact to the remaining districts. The proposals would greatly increase travel for the Judges impacted. This travel can be lessened by using video, however, there are many cases that video is just not effective. In addition, the litigants, citizens, attorneys, and local governments are entitled to have a live Judge appear in their jurisdictions for matters that require it. This enhances the credibility of the Court. Travel time is not productive time, and given the distances now being examined, it is dangerous, tiring, and limits productivity.

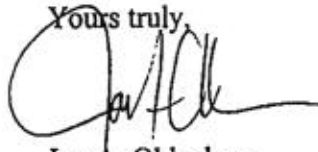
If additional counties are added to a district, additional law and motion days, trial days, and hearing days are added in additional sites. That not only requires travel but also removes designated days from the calendar and will significantly delay access to the Courts and expand the length of time before a trial or hearing may be had. Timely access to the Courts is a concern of all Judges and especially the Montana Supreme Court.

The Judges in the single Judge, or even two Judge districts, perform a significant service to the other small districts and multi-Judge districts by taking cases where a conflict occurs or the other Judges are disqualified. At any one time, I can have upwards of twenty or more active cases in other districts. This is a service that I would be very limited in doing, should additional

Hon. Greg Todd
Page two
March 24, 2016

counties be added to my district. If other Judges are also impacted, there will be a void that must be filled and will not be easily filled by a reduced number of Judges in the rural areas.

It is my humble opinion that the most effective action would be to work together to increase the number of District Judges for the districts that need them. I see little if any benefit that the six proposals before you bring to the timely administration of justice in Montana. Thank you for your consideration.

Yours truly,

Jon A. Oldenburg

JAO/fo



April 4, 2016

Judicial Redistricting Commission
C/O Honorable Gregory Todd, Chair
P.O. Box 35026
Billings, Montana 59107

Dear Judge Todd and Commission Members:

We are writing to express our concern about the redistricting proposals that would add other counties to the Sixth Judicial District, which now includes Park and Sweet Grass Counties.

We are concerned that adding additional counties to the Sixth Judicial District would cause delay and congestion in the legal system that would negatively affect the citizens of Park County.

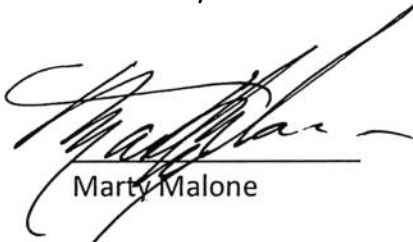
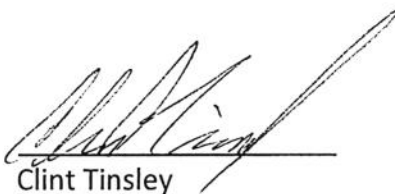
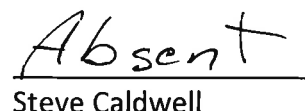
Furthermore, if counties were added to our current District, we are concerned about the affect this would have on our citizens having less of a voice in electing the judge that would serve Park County.

We believe that that it would be inadvisable to disrupt the judicial districts as they are currently configured and oppose the redistricting proposals, to the extent that they would change the counties that currently comprise the Sixth Judicial District.

Thank you for your consideration of our concerns.

Sincerely,

The County Commissioners of Park County Montana


Marty Malone
Clint Tinsley
Steve Caldwell

Schulz, Dave

From: Pamela Holmquist [pholmquist@flathead.mt.gov]
Sent: Monday, March 07, 2016 11:05 AM
To: Schulz, Dave
Cc: hblattie@mtcounties.org
Subject: FW: Judicial Redistricting Commission
Attachments: Judicial Redistrict Proposals 3-04-16.txt

Dave,

This is quite timely because our jail is overcrowded and we are looking at building a bigger sheriff's office/adult detention facility which could cost us 35 to 40 million. On average 10 to 15 of our inmates have been sentenced but the State has nowhere to put them which adds to our overcrowding problem. Our costs to house an inmate is approximately \$85.00 a day. This costs will probably go up substantially if we build a new facility. Because of legislation last session the reimbursement costs from the State to Counties was capped at \$69.00. So Flathead County ends up not only subsidizing the State, but taking up space in an already overcrowded facility.

I was at a forum Friday where we were talking about the legislature providing Flathead County with another judge. Although our judges are overloaded with cases, I'm not sure that adding new judges is the answer if at the end of the day the State has nowhere to put them. As the legislature has discussions about additional judges I would ask that they also talk about funding additional treatment facilities or expansion of our prison system.

Funding our jail needs in Flathead County will be one of our top priorities for many years to come.

Take Care,
Pam Holmquist
Flathead County Commissioner
800 South Main
Kalispell, MT 59901
406-758-5508

From: MACO [<mailto:MACO@mtcounties.org>]
Sent: Friday, March 04, 2016 3:57 PM
To: MACO
Subject: Judicial Redistricting Commission

Commissioners,

As your representative to the Judicial Redistricting Commission, the interim committee evaluating District Judge needs throughout the state, I wanted to report where the Commission is today. We have had two meetings to date and the third is planned for early April. In the first meetings, we received information from Legislative Services and the Judicial Branch regarding steps that were taken in the last year to evaluate caseload, travel, the various types of cases that are heard, and what might be expected in the next years. We heard from Harold Blattie on the history of District Court take-over by the state and what he has observed in the changing demographics of District Courts. We discussed the methodology that Judges across the state used in calculating caseload and workload over a period of time using 15 minute intervals. We looked at the current District Court budget with the state and were given some projections as to what the costs under various scenarios of change in judge numbers might be.

We heard from staff that reviewed all the caseload information and were advised that if we were to adequately satisfy all the caseload requirements to meet the caseload only, not giving consideration to mileage, geography, big vs. little, etc. and were advised that as many as 17 additional judges might be required. We also dialoged numerous other topics and scenarios related to this issue. (Much more than this message needs to discuss.)

I will state that there will very likely be some additional Judges recommended to the next Legislature. Funding authority from Legislature will be the key as to how many!! I believe that most of the rural counties/judicial districts will not see any change. Having said that, there is some discussion related to realigning several districts to better manage travel with workload. I have made it clear that rural districts that are not tied to a larger city should not be changed because of my concern that the rural population would never have enough voice/votes in electing judges going forward. And, I shared my concern that rural judges must look at a number of issues that the urban judge would not be familiar with. Example being water rights!

So, now that I have bounced all over the issue, attached is a document reflecting three proposed changes that were brought forward by members of the commission. At this time, I do not have any opinion on any of them. But, I would appreciate your looking over the proposals particularly if your county is affected.

Please feel free to contact me at any time regarding this topic. Just know that it is a process...

Thanks again for reviewing this!!

Dave Schulz

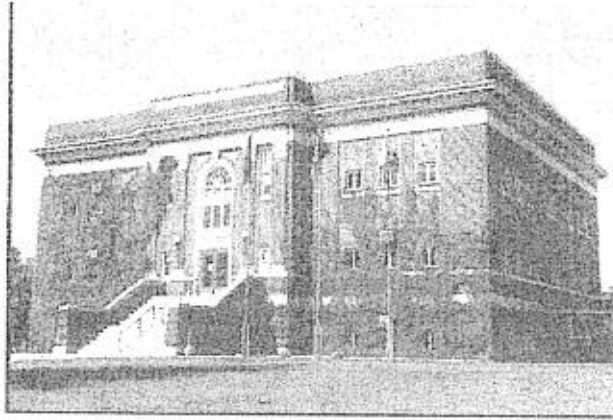
PHILLIPS COUNTY

COUNTY COMMISSIONERS
LESLEY ROBINSON
BRUCE CHRISTOFFERSON
RICHARD DUNBAR

Clerk & Recorder
MARIAN S. EREUX

Treasurer/Assessor
JEAN MAVENCAMP

Sheriff/Coroner
SCOTT MORAN



PO BOX 360, MALTA, MONTANA 59538

Clerk of Court
TAMI CHRISTOFFERSON

Superintendent of Schools
VIVIAN TAYLOR

County Attorney
EDWARD A. AMESTOY

Justice of Peace
GAYLE STAHL

District Judge
JOHN C. McKEON

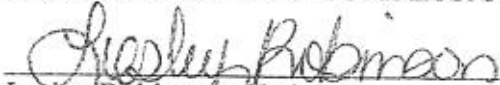
March 23, 2016
Dave Schulz
PO Box 252
Sheridan MT 59749

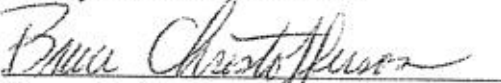
Dear Dave,

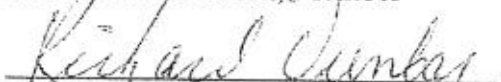
We would like you to be aware of our concerns with the Judicial Redistricting Proposal number 6. The proposed revision to Judicial District 17 is completely unacceptable. Currently the District Judge has to travel one way 70 miles west to Blaine County (Chinook) and 70 miles to the east to Valley County (Glasgow). This schedule already has the Judge pushed to the limit. Your proposal would have the Judge travelling one way 70 miles to Glasgow, 119 miles to Wolf Point, 174 miles to Scobey and 215 miles to Plentywood. This would be nearly impossible to physically do this and keep the courts on schedule. Before suggesting such changes we would strongly suggest visiting with the Counties that will be affected.

Thank you for your consideration.

Sincerely,
BOARD OF COUNTY COMMISSIONERS


Lesley Robinson, Chairman


Bruce Christofferson, Member


Richard Dunbar, Member

Schulz, Dave

From: David Reinhardt [dreinhardt@valleycountymt.gov]
Sent: Tuesday, March 22, 2016 1:06 PM
To: Schulz, Dave
Subject: judicial districts

Dave, I'm sure you get the same comments from other counties. Our court and judge is already swamped. We have over double the felony cases that we had. Drug cases are way up as well. Our sheriff would be glad to comment as well as to the case load. Taking one county off and adding three more, as in proposal 6 makes no sense. Additionally, we are not interested in changing judges either.

Thank you

Dave Reinhardt, chairman
Valley county Commission

Blair Jones
District Judge

Hannah J. Scott, Law Clerk
Stacy Fortune, Court Reporter
Kathryn Stanley, Court Administrator

State of Montana



COPY

RECEIVED

APR 01 2016

Big Horn County
Carbon County
Stillwater County

406-322-5406
Fax: 406-322-8429

DISTRICT COURT

22nd Judicial District
P.O. Box 1268
Columbus, MT 59019

March 28, 2016

Honorable Gregory Todd
Chair - Judicial Redistricting Commission
217 North 27th Street, Room 516
P.O. Box 35026
Billings, MT 59107

Re: Redistricting proposals

Dear Chairman Todd and Commission Members:

I want to begin by thanking you for your service on a difficult Commission. I fully understand the frustrations that come with attempting to find solutions to the provision of important governmental services with inadequate resources. Nonetheless, it serves no purpose to make changes simply for change sake. I respectfully submit that the recent proposals for redistricting currently under consideration make no meaningful or beneficial impact in the provision of judicial resources to the districts referenced in the proposals.

Specifically, I wish to address proposal 5. Proposal 5 would combine the 6th and 14th Judicial Districts with Carbon and Stillwater Counties creating a two-judge district. Big Horn County would be moved to the 16th Judicial District, an existing two judge district. This proposal may free up a judge for another district but it short changes all of the people in the counties that comprise the 6th, 14th, 22nd, and 16th Judicial Districts.

First, this proposal would result in the creation of two judicial districts comprised of eight counties each. This is a scheduling nightmare when considering the need for law and motion days in each county on a timely basis, setting trial weeks, and addressing the many cases given priority under Montana law (e.g., dependent-neglect matters).

Second, it increases travel requirements. While the two judges would attempt to allocate responsibility for cases in a manner to reduce travel time (such as assigning cases in adjoining counties), the fact is that if one of the judges cannot act for whatever reason, the other judge will be required to travel to handle the case. I am no stranger to travel. I would say that I am in the top three of the judges in Montana for travel miles each year. I deal with it by leaving home early in the morning and returning home well after 5:00 p.m. when the job requires. I accept that this is part of the job, but it is important to understand that travel is generally very unproductive

time and any proposal that does not eliminate some travel requirements or that actually increases travel should be summarily rejected.

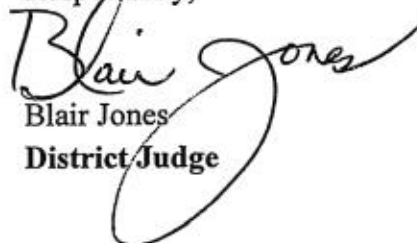
A third deficiency with the proposals is that they effectively disenfranchise rural voters in judicial elections with the resulting impact of lessening the values these voters wish to have in their district court judge. For example, moving Stillwater and Carbon Counties into the 6th Judicial District would dilute the influence of the Stillwater and Carbon Counties voters because of the majority vote of the residents of Park County. This was the case when these counties (and Big Horn County) were part of the 13th Judicial District. The judges were elected by Billings voters. Because of the population differential, Stillwater, Carbon, and Big Horn County voters had little impact on who would be elected as district judge. When the 22nd Judicial District was created, that changed, and I can say with certainty that the voters of these counties value their opportunity to elect the judge they determine will best serve them. This opportunity should not be taken from them because of judicial redistricting.

Finally, from my perspective, the redistricting proposals offer greater inefficiencies, not less. Even "rural" judges are working at their maximum levels. Reducing our numbers does not ultimately help our "urban" brethren. The unvarnished truth is that more judges are needed in our more populous areas because our society has become more litigious and is turning ever more to the courts to solve issues that formerly the family, church, or community addressed. I realize that public funds are limited and our reaction to every governmental issue should not be to merely "throw money at it." But the judicial branch budget requirements are not unreasonable, especially measured against the budget expenditures of co-equal branches of the state government.

I would respectfully urge this Commission to consider alternatives such as a framework for hiring retired district judges for specific periods of time to help overloaded districts. We have a reservoir of competent judicial talent that can be tapped for far less cost who would be willing to serve.

Thank you for considering my views on these important matters.

Respectfully,


Blair Jones
District Judge

BJ/kbs

cc: Hon. Ray Dayton
Rick Cook
Dave Schulz ✓
Emily Jones
Nate McConnell
Kristin Hansen

On Fri, Apr 1, 2016 at 7:19 AM -0700, "MACO" <MACO@mtcounties.org> wrote:

Judicial Redistricting Commission

Fergus County has concerns with any plan to add additional work to our District court. We have looked at the level of work our court is having to deal with and see no reasonable way to increase the work load. How would the state compensate our district clerk's office enabling her to hire additional staffing needs due to the increased work load? It appears to us that the state needs to fund additional capacity in the urban counties to handle the work load there, trying to shift the burden will not resolve their problems and only causes more problems in the other districts. We find no acceptable proposals that involve Fergus County.

Fergus County Commissioners

Ross Butcher

Carl Seilstad

Sandra Youngbauer

Schulz, Dave

From: Cybulski, David
Sent: Friday, April 01, 2016 4:11 PM
To: Schulz, Dave
Subject: Judicial Redistricting

April 1, 2016

Mr. Dave Schulz
110 West Wallace
P O Box 278
Virginia City, MT 59755-0278

Dear Mr. Schulz

I feel obliged to comment on the redistricting proposals. I have been a District Judge for over 21 years. Over the years, thanks to the substitution rule, I have handled cases in over half of Montana's judicial districts.

One problem with rural districts is travel, the larger the district the more travel consumes the workday. To put this in perspective, the commission members from Billings are going to drive the same distance for their meeting in Helena as the drive under your proposal 6 will be for me to Malta, if I go by way of Wolf Point. Its 221 miles to Helena for them by way of Harlowtown, and 215 Plentywood to Malta, but I live out of town 6 miles, so it is the same distance for me. So I guess its only natural to assume they will drive over in the morning for the meeting and plan to drive home in the evening? There is a back way that is 15 miles less for me, but it is so desolate and subject to wildlife in summer and snowdrifts and blizzard conditions in the winter that the distance saved is not worth it. My roads to Malta and the "via Harlowtown" roads are very similar.

In addition to travel factors, rural judges have more scheduling difficulties because the attorneys in matters are also facing travel hurdles. Logistical issues burn time and travel foul ups reduce efficiency. The JVN television system helps, but it has its own problems ranging from internet connection issues to problems inherent to the system. I've had some really good 1960's style kaleidoscope movie video before, and unintelligible sound. I held a hearing recently by JVN, and when the attorneys asked to schedule the next hearing, they specifically asked that it not be by JVN as the system had disconnected 3 separate times during the prior hearing.

Your proposals will force the judges to drive significantly more. In addition to the time burned driving, rural driving comes with its own safety issues. Winter weather on rural highways can make travel difficult and dangerous, and the increase in wildlife caused by the fish and game's wild game management makes driving in the early morning hours or the evening hours difficult. The vigilance required to drive safely makes it significantly more tiring compared to hitting the freeway on cruise. My last \$1500 deer bump (the deer didn't even get hurt) came with an additional \$6000+ air bags repair bill, and that was only one side's air bags, the deer bumped me on the front side, its owner doesn't carry liability insurance.

Rural areas also have cell phone issues, which reduces a judges ability to work on the telephone.. Driving time is usually just dead time. And it is always comforting to know that the most wildlife friendly and snowdrift susceptible road sections are also those without cell service

I also note you are looking at converting two judge districts into single judge districts. The 2 two judge districts in Eastern Montana seem to be efficient to me, it allows the judges there to informally divide the district, and yet leaves flexibility in the event that workloads shift. A two judge district is simpler in the event of conflicts and substitutions.

The workload statistics you are being asked to base your study on are fundamentally flawed. They assume each judge is staffed with minimal support staff. The workload study fails completely to take in account staffing levels, the districts in populated areas have large staffs, which should improve efficiency for the judge immensely. Some rural judges have almost no staff. Even more interesting, you have in your materials two different workload studies both based on 2014 caseloads. Both have slightly different workload shortage numbers. Neither makes any adjustment for staffing shortages. I'm not begrudging anyone staff, I'm sure everyone needs what they have and more. I'm just saying the workload math could be better.

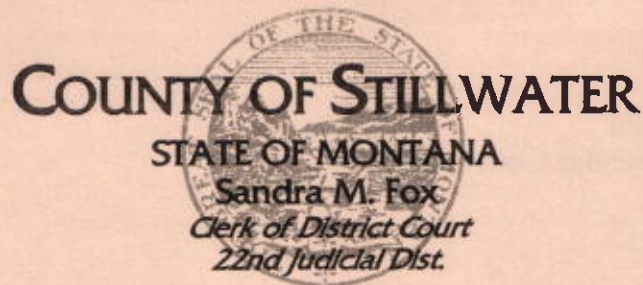
The biggest problem caused by physically larger districts comes whenever there is a jury trial or an all day hearing. If you were to add 2 or 3 hours of driving to the morning before and again to the evening after, it makes for an extremely long day. Over the road truckers are not allowed to work long days like that. Driving a truck is not as mentally exhausting as a contested hearing. A four day jury trial in a town on the other end of a district can be brutal. Staying over is not realistic, it is not family friendly, and there is very little to do in the evening in a small town unless you drink.

Some of the new districts you are proposing are larger than states. The proposed 15th district would be larger than 9 states. Fun to brag about, but not very practical. Your proposal 6 would have 6 district judges covering an area larger than all but 22 of the nations states. That, by the way, is also more than 1/3 of Montana.

My last criticism of the approach the commission is taking is that it appears the goal is to look to areas where access to the courts and timely administration of justice is the best in the state, and deprive the citizens there of their good access to the courts in a feeble attempt to shore up the areas where the court administration and the legislature have failed to keep up with the needs. Redistricting is a band aid approach to a major problem.

Thank you for your time.

Sincerely
David Cybulski



March 31, 2016

Honorable Gregory Todd
Chair – Judicial Redistricting Commission
217 North 27th Street, Room 516
P.O. Box 35026
Billings, MT 59107

RE: Redistricting proposals

Dear Chairman Todd and Commission Members:

I am writing this letter recognizing the difficult task the Redistricting Commission is faced with. I am confident that any decision the Commission makes will be made after a thorough and diligent study of the issues at hand.

As Stillwater County Clerk of Court with the 22nd Judicial District I would like to specifically address proposal 5. The proposal to combine the 6th Judicial District (Park and Sweegrass counties) and the 14th Judicial District (Musselshell, Wheatland, Golden Valley, and Meagher counties) and move Big Horn county to the 16th Judicial District would have a negative impact on the counties currently served by the 22nd Judicial District. Consolidating the 6th and 14th Judicial District with Stillwater and Carbon counties will result in a substantial disparity between population numbers and would negatively impact the smaller counties' choice on who would be elected as their district court judge. Park County would control the vote leaving the smaller rural counties without a voice.

Proposal 5 also increases the geographical area covered by the impacted judicial districts. Historically, case numbers will increase and with the increased geographical area, the amount of travel by the district court judges will increase. It is unfortunate that in order to attempt to add judges to the "heavy caseload" districts, that judges would either be eliminated altogether or tasked with traveling greater distances than they already do.



P.O. Box 367
400 - 3rd Avenue North
Columbus, MT 59019-0367

Phone: (406) 322-8030
Fax: (406) 322-8048
E-mail: sfox3@mt.gov

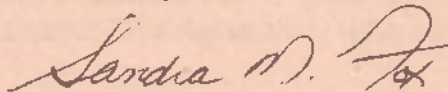
Honorable Gregory Todd
Chair – Judicial Redistricting Commission
March 31, 2016
Page two

I assure you the clerks of court's offices in the affected counties would also be impacted. We currently have a district court judge that is accessible to the clerks of court in his district through a rapport that has been built through knowledge of the communities and their citizens. There is a difference in living in rural Montana and familiarizing yourself with the citizens of those rural counties and a judge from a larger county conducting court only bimonthly with no vested interest in the community.

I believe any proposal submitted for consideration is only a temporary fix to the underlying problem of understaffing in the judicial branch. The redistricting may temporarily mask the problem but it does not solve the problem.

Thank you in advance for any consideration given to my concerns regarding redistricting of the judicial districts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra M. Fox", with a small mark at the end of the signature.

Sandra M. Fox
Clerk of District Court

smf

cc: Hon. Ray Dayton
Rick Cook
Dave Schultz
Emily Jones
Nate McConnell
Kristen Hansen

State of Montana

Blair Jones
District Judge

Hannah J. Scott, Law Clerk
Stacy Fortune, Court Reporter
Kathryn Stanley, Court Administrator



Big Horn County
Carbon County
Stillwater County

406-322-5406
Fax: 406-322-8429

DISTRICT COURT

22nd Judicial District
P.O. Box 1268
Columbus, MT 59019

March 28, 2016

Honorable Gregory Todd
Chair - Judicial Redistricting Commission
217 North 27th Street, Room 516
P.O. Box 35026
Billings, MT 59107

Re: Redistricting proposals

Dear Chairman Todd and Commission Members:

I want to begin by thanking you for your service on a difficult Commission. I fully understand the frustrations that come with attempting to find solutions to the provision of important governmental services with inadequate resources. Nonetheless, it serves no purpose to make changes simply for change sake. I respectfully submit that the recent proposals for redistricting currently under consideration make no meaningful or beneficial impact in the provision of judicial resources to the districts referenced in the proposals.

Specifically, I wish to address proposal 5. Proposal 5 would combine the 6th and 14th Judicial Districts with Carbon and Stillwater Counties creating a two-judge district. Big Horn County would be moved to the 16th Judicial District, an existing two judge district. This proposal may free up a judge for another district but it short changes all of the people in the counties that comprise the 6th, 14th, 22nd, and 16th Judicial Districts.

First, this proposal would result in the creation of two judicial districts comprised of eight counties each. This is a scheduling nightmare when considering the need for law and motion days in each county on a timely basis, setting trial weeks, and addressing the many cases given priority under Montana law (e.g., dependent-neglect matters).

Second, it increases travel requirements. While the two judges would attempt to allocate responsibility for cases in a manner to reduce travel time (such as assigning cases in adjoining counties), the fact is that if one of the judges cannot act for whatever reason, the other judge will be required to travel to handle the case. I am no stranger to travel. I would say that I am in the top three of the judges in Montana for travel miles each year. I deal with it by leaving home early in the morning and returning home well after 5:00 p.m. when the job requires. I accept that this is part of the job, but it is important to understand that travel is generally very unproductive

time and any proposal that does not eliminate some travel requirements or that actually increases travel should be summarily rejected.

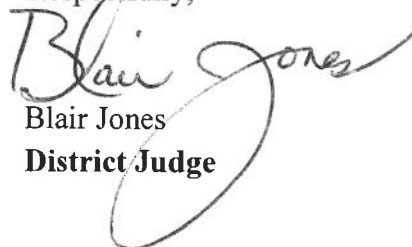
A third deficiency with the proposals is that they effectively disenfranchise rural voters in judicial elections with the resulting impact of lessening the values these voters wish to have in their district court judge. For example, moving Stillwater and Carbon Counties into the 6th Judicial District would dilute the influence of the Stillwater and Carbon Counties voters because of the majority vote of the residents of Park County. This was the case when these counties (and Big Horn County) were part of the 13th Judicial District. The judges were elected by Billings voters. Because of the population differential, Stillwater, Carbon, and Big Horn County voters had little impact on who would be elected as district judge. When the 22nd Judicial District was created, that changed, and I can say with certainty that the voters of these counties value their opportunity to elect the judge they determine will best serve them. This opportunity should not be taken from them because of judicial redistricting.

Finally, from my perspective, the redistricting proposals offer greater inefficiencies, not less. Even "rural" judges are working at their maximum levels. Reducing our numbers does not ultimately help our "urban" brethren. The unvarnished truth is that more judges are needed in our more populous areas because our society has become more litigious and is turning ever more to the courts to solve issues that formerly the family, church, or community addressed. I realize that public funds are limited and our reaction to every governmental issue should not be to merely "throw money at it." But the judicial branch budget requirements are not unreasonable, especially measured against the budget expenditures of co-equal branches of the state government.

I would respectfully urge this Commission to consider alternatives such as a framework for hiring retired district judges for specific periods of time to help overloaded districts. We have a reservoir of competent judicial talent that can be tapped for far less cost who would be willing to serve.

Thank you for considering my views on these important matters.

Respectfully,



Blair Jones
District Judge

BJ/kbs

cc: Hon. Ray Dayton
Rick Cook
Dave Schulz
Emily Jones
Nate McConnell
Kristin Hansen

Weiss, Rachel

From: Cybulski, David
Sent: Friday, April 01, 2016 4:18 PM
To: Weiss, Rachel
Subject: Judicial Redistricting

April 1, 2016

Ms. Rachel Weiss
Judicial Redistricting Commission
Legislative Services Division
PO Box 201706
Helena, MT 59620-1706

Dear Ms. Weiss,

I feel obliged to comment on the redistricting proposals. I have been a District Judge for over 21 years. Over the years, thanks to the substitution rule, I have handled cases in over half of Montana's judicial districts.

One problem with rural districts is travel, the larger the district the more travel consumes the workday. To put this in perspective, the commission members from Billings are going to drive the same distance for their meeting in Helena as the drive under your proposal 6 will be for me to Malta, if I go by way of Wolf Point. Its 21 miles to Helena for them by way of Harlowtown, and 215 Plentywood to Malta, but I live out of town 6 miles, so it is the same distance for me. So I guess its only natural to assume they will drive over in the morning for the meeting and plan to drive home in the evening? There is a back way that is 15 miles less for me, but it is so desolate and subject to wildlife in summer and snowdrifts and blizzard conditions in the winter that the distance saved is not worth it. My roads to Malta and the "via Harlowtown" roads are very similar.

In addition to travel factors, rural judges have more scheduling difficulties because the attorneys in matters are also facing travel hurdles. Logistical issues burn time and travel foul ups reduce efficiency. The JVN television system helps, but it has its own problems ranging from internet connection issues to problems inherent to the system. I've had some really good 1960's style kaleidoscope movie video before, and unintelligible sound. I held a hearing recently by JVN, and when the attorneys asked to schedule the next hearing, they specifically asked that it not be by JVN as the system had disconnected 3 separate times during the prior hearing.

Your proposals will force the judges to drive significantly more. In addition to the time burned driving, rural driving comes with its own safety issues. Winter weather on rural highways can make travel difficult and dangerous, and the increase in wildlife caused by the fish and game's wild game management makes driving in the early morning hours or the evening hours difficult. The vigilance required to drive safely makes it significantly more tiring compared to hitting the freeway on cruise. My last \$1500 deer bump (the deer didn't even get hurt) came with an additional \$6000+ air bags repair bill, and that was only one side's air bags, the deer bumped me on the front side, its owner doesn't carry liability insurance.

Rural areas also have cell phone issues, which reduces a judges ability to work on the telephone.. Driving time is usually just dead time. And it is always comforting to know that the most wildlife friendly and snowdrift

susceptible road sections are also those without cell service

I also note you are looking at converting two judge districts into single judge districts. The 2 two judge districts in Eastern Montana seem to be efficient to me, it allows the judges there to informally divide the district, and yet leaves flexibility in the event that workloads shift. A two judge district is simpler in the event of conflicts and substitutions.

The workload statistics you are being asked to base your study on are fundamentally flawed. They assume each judge is staffed with minimal support staff. The workload study fails completely to take in account staffing levels, the districts in populated areas have large staffs, which should improve efficiency for the judge immensely. Some rural judges have almost no staff. Even more interesting, you have in your materials two different workload studies both based on 2014 caseloads. Both have slightly different workload shortage numbers. Neither makes any adjustment for staffing shortages. I'm not begrudging anyone staff, I'm sure everyone needs what they have and more. I'm just saying the workload math could be better.

The biggest problem caused by physically larger districts comes whenever there is a jury trial or an all day hearing. If you were to add 2 or 3 hours of driving to the morning before and again to the evening after, it makes for an extremely long day. Over the road truckers are not allowed to work long days like that. Driving a truck is not as mentally exhausting as a contested hearing. A four day jury trial in a town on the other end of a district can be brutal. Staying over is not realistic, it is not family friendly, and there is very little to do in the evening in a small town unless you drink.

Some of the new districts you are proposing are larger than states. The proposed 15th district would be larger than 9 states. Fun to brag about, but not very practical. Your proposal 6 would have 6 district judges covering an area larger than all but 22 of the nations states. That, by the way, is also more than 1/3 of Montana.

My last criticism of the approach the commission is taking is that it appears the goal is to look to areas where access to the courts and timely administration of justice is the best in the state, and deprive the citizens there of their good access to the courts in a feeble attempt to shore up the areas where the court administration and the legislature have failed to keep up with the needs. Redistricting is a band aid approach to a major problem.

Thank you for your time.

Sincerely
David Cybulski

Weiss, Rachel

From:

Sent:

To:

Katz, Diane
Monday, April 04, 2016 1:59 PM
nateforhdd89@gmail.com; Todd, Gregory; Dayton, Ray; Cook, Rick; Schulz, Dave;
ejones@mkfirm.com
Weiss, Rachel; Burkhardt, Julianne; Sherley, Laura
Proposed Judicial Redistricting

Subject:

Dear Commissioners,

Clearly Commissioners have expended much effort in attempting to surmount the challenge placed before you by the Legislature. Of course, the object is to provide to the people of Montana their constitutionally guaranteed equal access to the Courts.

The Office of the Court Administrator has developed a variety of refined information to assess the workload which must be discharged. The workload and effort required of a judge is comprised generally of the total number of cases, the distribution of cases among counties in multi county districts, the distance between courthouses and the conditions of travel. The OCA data takes into account only distance.

Generally speaking, OCA has determined that between 825 -850 cases constitute a full load for a single judge without travel. This number is calculated by analyzing the caseload where judges do not travel compared to OCA determination of judge overburden in those districts.

Monte-Silver Bow County; 1,803 cases - 2 judges
Cascade County; 5,540 cases - 4 judges, 1 standing master
Flathead County; 5,638 cases - 4 judges
Yellowstone County; 9,750 cases - 6 judges, 1 standing master
Gallatin County 4,249 cases - 3 judges, 1 standing master
Lincoln County; 1,064 - 1 judge
Ravalli County; 1,859 cases - 2 judges

The district in which I serve (and travel to other districts to assist when called) has provided me with a fair amount of experience on twisting, two lane, mountain valley roads, gravel roads, and sufficient wildlife that one hazardous stretch is locally known as "venison alley." Roughly speaking, the courthouses in this district form an isosceles triangle. It is 55 miles or mostly gravel across the base and 95 miles on the two equilateral legs. Even when a shorter gravel "cutoff" is utilized, there is no saving in time required to travel. There is a substantial difference between cruising on the Interstate and travel over the kinds of roads necessary to serve most of the rural districts.

My experience also demonstrates that each additional county to be served creates an exponential increase in scheduling and delay problems. No ready method of quantifying the complications resulting from multi-county scheduling has been conceived. For example, analysis of the law necessary to resolve an issue in a given case in county A may suffer two fold delay. First, after starting the project, the following several days require the judge to be in different counties. The analysis is not finished. Second, when the judge returns to county A to continue work on the issue, there may or may not be an opportunity to do so because of accrued calendar. When the judge is able to resume analysis, the previous effort must be duplicated simply to re-orient and then to continue to completion. Each county added to a district compounds the problem.

Unfortunately, there are distinct problems with each of the proposals which have been forwarded as of March 15, 2016.

Proposal 1

Arguably, a newly created 23rd Judicial District would be feasible. However, leaving one judge to deal with 1,606 cases in Lake County would be unconscionable. It merely would shift to the people of Lake County that burden which Missoula County would like to avoid.

Proposal 2

Arguably, incorporating Garfield County into the 10th Judicial District would by itself be workable. Arguably, moving Meagher County to the 6th Judicial District likewise would be workable although it stretches travel between the courthouses to a nearly unreasonable 73 miles. Adding Treasure and Rosebud Counties to the 14th District would create an unworkable 5 county district for a single judge. Moreover, it would require 112 miles travel between Forsyth and Roundup which are the two heavier caseload counties. Further, it would be approximately a 90 mile stretch with approximately 20 miles of gravel between Hysham and Roundup where the judge traditionally has sat in the 14th Judicial District. Such a district is simply unworkable. Likewise, leaving the 16th Judicial District to be comprised of four counties with over 1,000 cases is unreasonable.

This proposal suffers the same affliction as the previous one. Arguably there is a minor improvement in two areas, two other areas would be vastly disadvantaged.

Proposal 3

This proposal is the least pernicious of those offered. Arguably the total caseload would not be excessive. However, time divided among four counties is problematic in itself. Further, there are about 160 miles between the two courthouses with the largest caseloads. Most of the time should be spent at opposite ends of the district which are an unreasonable distance apart.

Proposal 4

Moving Musselshell and Golden Valley Counties to the 10th Judicial District would create a caseload of 1,238 cases for a single judge. All the data demonstrates that such a caseload is too large. In addition, it would require 73 miles of travel between the two counties with the heaviest caseload and 63 miles of gravel road over the mountains between Lewistown and Ryegate. Even though the Snowy Mountains are not the tallest or the roughest mountains in Montana, winter settles in there just as certainly as it does elsewhere. Going around by Judith Gap in the winter is no improvement.

Proposal 5

Combining the 6th and 14th Judicial Districts with Carbon and Stillwater Counties would create a caseload of 1,993 divided between two judges and spread over 8 counties. Not many judges would willingly sign up for that nightmare. The proposed expanded 16th Judicial District would suffer the same problems. There simply are too many cases to be handled spread over too many counties.

Proposal 6

Expanding the 10th Judicial District would create all the problems of the 5th Judicial District on an even more drastic scale. Instead of traveling a maximum of 95 miles to serve 3 counties in the 5th District, the judge would be required to travel 96 miles maximum distance between courthouses and serve 5 counties and suffer an additional approximately 200 cases. Not workable!

Moving Blaine County into the 12th Judicial District would create a caseload of 1,261 which is demonstrated to be far too many. Combining Phillips and Valley County with the 15th Judicial District would create a caseload of 1,429. Too many cases, too many counties and too many miles.

do not doubt the good faith involved in every proposal. However, all the effort which has been expended in attempting to reorganize merely demonstrates what I have urged you to note from the beginning. Shifting insufficient resources from one location to another does nothing to cure the problem. It merely shifts the burden and the pain from one locale to another. More pointedly, none of that pain would be shared by any urban area at all. All of the burden would continue to fall on the backs of the rural folks who, even now, do not have access to a judge every day of the week as presently exists in the urban areas.

The dilemma you face requires recognition of Constitutionally guaranteed equal access to the courts. It may require that a judge must be provided in an area where there will be a lesser caseload than may exist elsewhere.

Judges already assist one another. For example, I have never turned down a request for assistance and I am aware of only 1 occasion in which a request for assistance was refused. Perhaps a district may be established where the workload is less than the OCA determined acceptable level. Assuming that such judges are fully equipped with administrative and research staff (not the case presently), perhaps overload work from other districts could be parceled out to those districts. Of course, that arrangement would exacerbate travel and schedule issues.

Alternately, the Legislature could provide helicopters!

Thank you.

Sincerely,

Aren Tucker
District Judge

Weiss, Rachel

From: Spaulding, Randal
Sent: Monday, April 04, 2016 2:39 PM
To: Weiss, Rachel
Cc: wcatty@mtintouch.net
Subject: FW: judicial redistricting

With the permission of Ms. Hickman, I am forwarding the following email for the commission's consideration at the upcoming April 6, 2016 Meeting.

Judge Spaulding

From: Wheatland County Attorney [mailto:wcatty@mtintouch.net]
Sent: Thursday, March 24, 2016 2:57 PM
To: Spaulding, Randal
Subject: judicial redistricting

Judge, maybe I'm just obtuse, but none of the "moving" or "eliminating" or districts is going to decrease the work loads. The cases will be what they will be, regardless of what district the county is in. It seems like lunacy to me to play the shell game, which shell is the pea under" and think it will ultimately change anything. I know that Yellowstone county is the most populous county and therefore feels that due to it's size and importance it should have more judges. However, if they would just stop and breathe, and think, they would realize that another Judge will not accomplish what they are after. Someone still has to be available to hear the cases in the hinterlands. That is unless another judge translates into More Judges, not just moving a position from point a to point b. Right now they call on you, or Cybulski, when they get overloaded.

Perhaps what the State really needs is another one or two Judges who are travelling Judges. That way they could be available to fill in for Judges who want to take a vacation, or have a health issue or when there is an overload of cases. Hell, it has been known to happen even in the sad little 14th judicial district. I say another because you are already filling that role, up to a certain extent.

Don't know how that would work with Judge's being elected, but I'm sure some who are smarter than I could figure it out. Perhaps you should suggest that the 14th be allowed to vote for a second Judge who's duties it would be to travel to other District Courts to fill in. Could be fun to have someone to talk to about things.

LH

Weiss, Rachel

From: Cybulski, David
Sent: Monday, April 04, 2016 4:45 PM
To: Todd, Gregory; Dayton, Ray; ejones@mkmfirm.com; nateforhd89@gmail.com; Schulz, Dave; Cook, Rick; Weiss, Rachel
Subject: Redistricting thoughts
Attachments: Image (2).jpg

Members of the Commission,

I feel obliged to address the judicial redistricting issue again.

The workload study seems to indicate, for example, that Judge Spaulding in the 14th district is underemployed and this underemployment has your attention. The workload study is flawed in it does not address staffing levels. The study is premised on a staffing level of one Judicial Assistant and one Law Clerk for each Judge. Judge Spaulding does not have a Law Clerk. Someone has to do the work assumed under the study as being done by the law clerk, that someone is Judge Spaulding. The fact is, law clerks can dedicate blocks of time to issues, and without the interruptions of judicial duties, get to the result with an uninterrupted train of thought.

I expanded on the workload study to take into account staffing. As you can see from my spreadsheet attached, without a law clerk, Judge Spaulding is as busy as anyone.

I speak to this short staffing issue from experience. For the first 19 years of my career as a District Judge I had no staff whatsoever. No JA, no Law Clerk. I now have a one half time JA. My joke was the office staff was comprised of me, myself, and I, which worked well except when we argued and fought. Humor aside, it made things very difficult on occasion, tasks sometimes did not get done in a timely manner, for example, the mail didn't get opened if I was out of town doing a trial. Everything else stopped when I was in the courtroom. The Judges in Billings are in the same predicament, only worse. Their overload is actual judicial work, real people with real cases not getting heard. I'm sure they are forced to sacrifice quality in order to get the work done. The public suffers because access to justice comes with institutional delays. Back when Hardin was part of the Thirteenth Judicial District, Chief Justice Turnage scheduled me to do 20 jury trials in 2 weeks in Hardin to help them avert a speedy trial problem. One had to be postponed, fourteen plead out, and I conducted five jury trials in those two weeks. Back then, the legislature acted, they created the Twentysecond Judicial District, and added Judges in Billings.

And I have had a taste of the good life. I filled in a week at a time every other week in Great Falls after Judge Bob Goff died until Chief Turnage convinced a retired judge from Libby to take over. The Chief even rented a condominium for me to live in. Likewise, I filled in at Bozeman while Judge Mark Guenther was ill and after he died. Both those places had staffing, and the work was an enjoyable challenge. I could do decision making instead of filing, printing envelopes, making copies, doublechecking calendars, and so on. I could rule on complex motions made by shifty, okay, imaginative, attorneys without having to check all the research myself. Over the years I have tried mooching law clerk help, and did get help occasionally, but everyone is busy, no one has extra time, so that hasn't worked well. The last 2 legislatures gave me a law clerk specifically, but somehow afterwards it was misplaced at the court administrators office.

I think it is time for the legislature to stop suffering from paralysis by analysis. Anyone who looks at the work load data sees the need for more District Judges and staffing. The last 2 legislatures have had their heads in the sand by not at least adding some judges where the need was obvious. Please recommend the obvious solution.

Thank you again for your time.

David Cybulski

WORKLOAD MODEL ADJUSTED FOR STAFFING LEVELS
Based on Montana District Courts 2015 Judicial need map

Model workload calculations were based on one JA, one law clerk per Judge

Staff levels based on 2016 Lawyers Deskbook Directory listings.

Assumes work performed by staff is necessary

Assumes work not done by staff must be done by Judge

Assumes extra staff lower Judges workload, or they wouldn't be hired

Special masters are already figured into workload shortage

	No. District of No.	No. of Judges	No. of JA's	Law Clerks	staff Under Minimum	Model District Judge Shortage	Model Per Judge shortage	staff per judge shortage	actual judges workload FTE each
Helena	1	4	6	4	-2	2.66	0.665	-0.50	1.165
Butte	2	2	2	2	0	0.41	0.205	0.00	1.205
Anaconda	3	1	1	1	0	0.23	0.230	0.00	1.230
Missoula	4	4	5	4	-1	2.70	0.675	-0.25	1.425
Dillon	5	1	1	1	0	0.40	0.400	0.00	1.400
Livingston	6	1	0	1	1	0.02	0.020	1.00	2.020
Sidney	7	2	2	2	0	0.47	0.235	0.00	1.235
Great Falls	8	4	5	4	-1	2.14	0.535	-0.25	1.285
Shelby	9	1	1	1	0	0.61	0.610	0.00	1.610
Lewistown	10	1	1	1	0	0.00	0.000	0.00	1.000
Kalispell	11	4	5	4	-1	2.44	0.610	-0.25	1.360
Havre	12	1	1	1	0	0.39	0.390	0.00	1.390
Billings	13	6	6	6	0	6.18	1.030	0.00	2.030
Roundup	14	1	1	0	1	-0.38	-0.380	1.00	1.620
Wolf Point	15	1	0.5	0	1.5	-0.04	-0.040	1.50	2.460
Miles City	16	2	2	1	1	0.00	0.000	0.50	1.500
Malta	17	1	1	1	0	0.02	0.020	0.00	1.020
Bozeman	18	3	5	3	-2	1.43	0.477	-0.67	0.810
Libby	19	1	1	1	0	0.27	0.270	0.00	1.270
Polson	20	2	2	2	0	0.55	0.275	0.00	1.275
Hamilton	21	2	3	1	0	0.06	0.030	0.00	1.030
Columbus	22	1	1	1	0	0.54	0.540	0.00	1.540

March 26, 2016

Judicial Redistricting Commission
Legislative Services Division
PO Box 201706
Helena, MT 59620-1706

Commission Members:

I serve as one of two District Court judges within the 16th Judicial District. The District is comprised of Custer, Rosebud, Fallon, Garfield, Powder River, Treasure, and Carter counties.

I appreciate the Commission's efforts to address the problem of inadequate judicial resources, and the promotion of efficient use of taxpayer money.

I have reviewed the proposals for reapportionment of Montana's District Courts. I recognize that judicial district reapportionment is intended to promote efficient administration of court matters by equalizing the 'judicial burden' within the district courts across the state.

I also see that "judicial redistricting" proposals premise that:
Some current Districts are over-served by an excess of judges;
The problem of under-served Districts can be meaningfully
addressed by shuffling 'excess' judicial resources; and
Shuffling 'excess' judicial resources will have little impact
on 'rural' litigants, and as a whole, will improve the
efficient operation of our judiciary.

However, the premises, and the solutions, offered by "judicial redistricting" are false.

Review of the in-District and out-of-District calendars for District Judges across the state confirms there is not an 'excess' of judges. In addition to the docket and travel required within each District, upon substitution, recusal, or unavailability, judges routinely accept jurisdiction

SEVENTEENTH JUDICIAL DISTRICT COURT

Phillips County Courthouse
P.O. Box 470
Malta, MT 59538
(406) 654-1062 Office
(406) 654-2363 Fax

John C. McKeon
District Judge

Kathy King
Court Administrator

Kelley A. Barstad
Court Reporter

Phillips County - Malta
Blaine County - Chinook
Valley County - Glasgow

March 29, 2016

Judicial Redistricting Committee
c/o Hon. Greg Todd, Chair
P.O. Box 35026
Billings, MT 59107

Re: Opposition - Redistricting Proposals

Dear Committee Members and Chair Todd:

The 17th judicial district is one of the more rural districts in Montana. Among its three counties, it has 18,500 population and approximately 15,000 square miles. Much of this population is unemployed or employed at minimum wage. Two of the county seats are 140 miles apart. I have presided in this single judge district for the past 22 years often traveling weekly and returning home at or near 7 pm, exhausted from a long day in court. My home is in the center of the district, but it could just as easily be in either outlying county. Your proposal 6 could add nearly three more hours round-trip travel time.

This poverty and distance cannot be ignored. I refer to an article I co-authored, *Administering Justice in Montana's Rural Courts*, 2009 Montana Law Review, Vol. 70. The challenges noted therein remain today and are throughout rural America. See, e.g., *Law Stretched Thin: Access to Justice in Rural America*, 2014 University of South Dakota Law Review, Vol. 59; *Distancing Rural Poverty*, 13 Georgetown Journal on Poverty Law 3 (Spring, 2006); *Ruralism*, 88 Iowa Law Review 273 (2003).

I encourage your members to read these articles and reject redistricting proposals. They will adversely impact rural citizens' access to justice and place a disproportionate (and arguably, discriminatory) burden on many of our most vulnerable citizens.

Sincerely,



John C. McKeon

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Of Counsel

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March 30, 2016

Hon. Ray Dayton
3rd Judicial District Court
800 South Main
Anaconda, MT 59711

Via Fax @ (406) 563-4077

Re: *Judicial Redistricting*

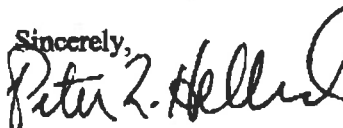
Dear Judge Dayton:

As a lawyer in the hinterland of eastern Montana I hope to provide the committee some perspective on Proposal 6 to create a judicial district consisting of Phillips, Valley, Roosevelt, Daniels and Sheridan counties. This proposed district currently has two judges, Judge McKeon located in Malta and Judge Cybulski located in Plentywood. The distance between Malta and Plentywood is 215 miles. As such, should Proposal 6 be adopted, whichever of the two judges becomes the district court judge for this new district will be required to travel 430 miles at least one or two days per month just to cover the law & motion calendar at each location. This does not include additional travel which will undoubtedly be necessary to cover other hearings or trials at both these locations, in addition to traveling to Glasgow, Wolf Point and Scobey at least one or two times per month each for those law & motion calendar dates as well.

While we eastern Montanans are used to traveling great distances, this is simply too much of a burden for one person to handle and will likely negatively impact my clients' access to justice. I urge you and the other committee members to reject Proposal 6.

Thank you for your consideration.

Sincerely,



Peter L. Helland
Helland Law Firm, PLLC

PLH/plh



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Judicial Redistricting Commission

64th Montana Legislature

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REP. NATE McCONNELL

PUBLIC MEMBERS
HON. GREG TODD - CHAIR
HON. RAY DAYTON
RICK COOK
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COMMITTEE STAFF
RACHEL WEISS, RESEARCH ANALYST
JULIANNE BURKHARDT, ATTORNEY
LAURA SHERLEY, SECRETARY

March 23, 2016

TO: Judicial Redistricting Commission
FROM: Rachel Weiss *RW*
RE: April 6 meeting agenda and materials

The Judicial Redistricting Commission will meet again on April 6 in Helena. The meeting starts at **9 a.m.** in Room 102 of the Capitol. A tentative meeting agenda is enclosed in this meeting packet, along with other meeting materials. Please bring the packet and your binder with you to Helena. You can also find online versions of most documents at the commission's website: www.leg.mt.gov/jrc.

In addition to the tentative agenda, the meeting packet includes:

- a summary of six redistricting proposals made by commissioners;
- a map packet with a map for each of the six proposals;
- a staff analysis for the first four proposals, including a bill draft (analysis and bill drafts for the last two proposals will be distributed at the meeting);
- the map of the current districts;
- a copy of the 2017 biennium budget reports from the Legislative Fiscal Division (LFD) as background information;
- various news articles related to your work; and
- a chart created by the LFD on district court caseloads.

Please call or email with questions. I am available at 406-444-5367 or rweiss@mt.gov. Julianne Burkhardt is at 406-444-4025 or jburkhardt@mt.gov.

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